

### EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 30, 2009, Micheal Hebert requested an extension of time for 4 MONTH(S), and noted that an extension of time for 2 MONTH(S) has already been paid, and authorized the Director to charge Deposit Account No. 502624 the additional fees of \$420.00 (\$420.00 is the difference between 4 month extension of time and a 2 month extension of time) so that the extension of time may be for 4 months.

Additionally, Micheal Hebert authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 43. A method for diagnosing colon cancer comprising comparing levels of PPP3CC protein in a patient colon sample to that of a non-cancerous colon control sample, wherein the ~~PPPC33~~ PPP3CC protein is encoded by a nucleic acid having the nucleotide sequence set forth in SEQ ID NO: 1587, wherein an increase in the level of PPP3CC protein in the patient colon sample of at least 50% relative to said non-cancerous colon control is indicative of colon cancer.

The following is an examiner's statement of reasons for allowance: Applicants' amendment to the claims obviated the rejection under 35 USC 112, first paragraph for claims 20, 30, 32, 33 and 35. Applicants' arguments with respect to the rejection of claims 43 and 44 under 35 USC 102(b) were found persuasive as indicated in the Advisory Action mailed 5/11/2009. No rejection is made under 35 USC 112, first paragraph, for claim 44 because as indicated in Mondragon (Mondragon, A. , et al, Biochemistry, 36: 4934-4942, 1997; see page 4934-4935 bridging paragraph, and 4935, left to right columns bridging paragraph, and 4935, right column), a structure-function correlation is established for PPP3CC (also known as calcineurin, or phosphatase-2b)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Holleran, whose telephone number is (571) 272-0833. The examiner can normally be reached on Monday through Friday from 9:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached on (571) 272-0832. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Official Fax number for Group 1600 is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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Patent Examiner  
September 30, 2009  
/Alana M. Harris, Ph.D./  
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